



POLYGRAPH EXAMINATIONS

FC No.: 632

Date: 10-30-03

If a provision of a regulation, departmental directive, rule or procedure conflicts with a provision of the contract, the contract prevails except where the contract provision conflicts with State law or the Police Collective Bargaining Law.

Contents:

- I. Policy
- II. Definitions
- III. Polygraph Examinations
- IV. Persons Not To Be Considered For Polygraph Examinations
- V. Procedures For Scheduling Polygraph Examinations
- VI. Procedures For Pre-Employment Polygraphs
- VII. Proponent Unit
- VIII. Cancellation

I. Policy

Polygraph examinations are an investigative tool used in determining deception during the course of an investigation. A polygraph examination will not be administered until all conventional methods of closing the case are exhausted. Only individuals trained at an accredited school in the use of the polygraph will administer examinations. (CALEA 42.2.8, 32.2.5)

II. Definitions

- A. Polygraph: The polygraph is a scientific instrument designed to simultaneously monitor and record physiological responses (pulse rate, relative blood pressure, respirations, and sweat gland activity) which take place as a result of a verbal stimulus (questioning).
- B. Polygraph Use: The polygraph is used to determine the validity of a subject's statement by evaluating consistent physiological responses recorded during the examination. The polygraph is useful in obtaining a confession from a subject who would otherwise remain silent.

- C. Polygraph Coordinator: A sworn member of the Department of Police trained, at a licensed and accredited school, in the use of the polygraph instrument and assigned the responsibility of scheduling, quality control, equipment repairs, recordkeeping, and the administration of the department's polygraph operations.

- D. Polygraph Examiner: A sworn member of the Department of Police or the Division of Fire Investigation who has successfully completed a polygraph training course at a licensed and accredited polygraph school. The member must also be thoroughly trained and experienced in criminal investigations and interrogations and able to display a high proficiency in the operation of the polygraph instrument. (CALEA 32.2.5, 42.2.8)

III. Polygraph Examinations

- A. The polygraph is an investigative tool. Officers requesting polygraph examinations must understand its capabilities and limitations. It is not and shall never be used as a substitute for approved criminal investigative techniques. The examination is merely an aid in determining deception during the course of an investigation. (CALEA 42.2.3)
- B. A polygraph examination will not be given until the investigation has established sufficient facts to enable the examiner to adequately construct comprehensive and objective questions and all conventional methods of closing the case have been exhausted.
- C. The polygraph examination may be considered applicable in the following circumstances:
 - 1. Determining the validity of a suspect or defendant's statement,
 - 2. Determining the validity of allegations made by a victim,
 - 3. Determining the validity of an informant or witness's statement, and
 - 4. In certain situations, prior to making significant commitments of manpower or

financial resources, when information is not readily verifiable by other means.

- D. No person shall be required to submit to a polygraph examination unless otherwise required by law or department rules and regulations. No indication shall be given to the person who refuses to submit to such an examination that such refusal is a tacit admission of guilt.
- E. Department-ordered examinations will be conducted in accordance with the Law Enforcement Officers' Bill of Rights and the Internal Affairs ***Division*** standard operating procedures. (CALEA 52.1.7)
- F. It is important to remember that the results of the polygraph examination are solely based on the suitability of the subject being examined. Unwilling or uncooperative subjects should not be tested.

IV. **Persons Not To Be Considered For Polygraph Examinations**

- A. The following categories of subjects should not be considered for polygraph examinations:
 - 1. Juveniles under the age of 14,
 - 2. Juveniles between the age of 14 and 18 without parental consent,
 - 3. Individuals so far under the influence of illicit drugs, medication, or alcoholic beverages that they are incapable of following the testing procedure instructions,
 - 4. Individuals with a history of heart disease without written physician's consent,
 - 5. Individuals that appear abnormally distressed and not capable of following the testing procedure instructions,
 - 6. Pregnant women without written physician's consent, and
 - 7. Persons suffering from a viral condition.
- B. The department will not become involved in internal commercial theft polygraph examinations unless a criminal charge is going to be filed against the subject, and the investigating officer has probable cause to believe the subject has committed the crime.

- C. The polygraph coordinator/examiner may refuse to conduct any examination on a subject who does not meet the above criteria.

V. **Procedures For Scheduling Polygraph Examinations**

- A. Polygraph examinations will be scheduled Monday through Friday at 0830 and at 1230 hours. Short-notice examinations are available on request, if justified, but it is the responsibility of the primary investigating officer to have the request for an off-duty examiner approved through the officer's unit or district commander before notifying the coordinator. Short-notice polygraph examinations may be considered in all serious Part I crimes and serious misdemeanor cases, especially:
 - 1. Murder,
 - 2. Rape,
 - 3. Armed robbery,
 - 4. Serious assaults, and
 - 5. Any other case where the validity of a statement or allegation is questioned and the investigating officer does not feel the suspect/witness will be available at a later date. All such examinations will be conducted at the discretion of the polygraph coordinator.
- B. Investigating Officer Responsibilities
 - 1. The officer will review with the officer's supervisor the investigative efforts made thus far to ensure that all standard investigative procedures have been utilized. A decision will be made by the supervisor whether to schedule a polygraph examination. When approval to schedule a test has been given, the officer will contact the polygraph coordinator and obtain a date and time for the examination. (CALEA 42.1.2)
 - 2. Once the examination appointment is made, the officer will forward via interoffice mail or fax the original investigative report, written statement(s), and any other background information pertinent to why the subject is to be examined. The officer will contact the polygraph coordinator by phone to ensure all the necessary information has been received. The polygraph coordinator can be reached at **(240) 773-5130**. If the investigating officer

cannot reach the coordinator by phone, the officer may leave a message on the coordinator's voice mail or with the administrative aide in Forensic Services Section at **(240) 773-5150**. The officer should leave the officer's name, district/unit, and car number or phone number where the officer can be reached. The coordinator will return the officer's call.

3. The officer will provide the subject to be examined with the date and time of the examination.
4. The officer will verify the date and time of the examination with the examiner at least 48 hours prior to the examination date.
5. The officer will ensure the subject has transportation to and from Police Headquarters.
6. The officer will remain available during the examination to assist with any requests for additional information during the examination and to receive any statement or confession.

C. Polygraph Examiner Responsibilities

1. Upon receiving documentation of the case from the investigating officer, the polygraph examiner will formulate appropriate questions to be used during the examination. (CALEA 42.2.1.b, 42.2.3.b, 42.2.4)
2. The polygraph examiner will provide a verbal report of the examination findings to the investigating officer within two days of the examination and a written report within five days. The report will state that the subject is:
 - a. Deceptive,
 - b. Deceptive with a confession,
 - c. Not deceptive, or
 - d. Inconclusive results. A subject with inconclusive test results may require retesting at the discretion of the investigating officer and polygraph coordinator.

D. Polygraph Coordinator Responsibilities

1. All copies of polygraph charts, waivers to take the test, and all questions asked during an examination will be retained in a confidential file located at the polygraph coordinator's office in Headquarters

pending further investigation and examination by authorized personnel.

2. The polygraph coordinator will submit a monthly report to the Chief, Investigative Services Bureau, documenting the number of examinations scheduled, administered, and refused.

VI. Procedures For Pre-Employment Polygraphs

- A. Requests for examinations of police applicants will be forwarded to the Director, Personnel Division or designee. The polygraph coordinator and/or polygraph examiner will be given the request and coordinate scheduling with the Personnel Division.
- B. A polygraph examination will be administered as part of the selection process. Candidates will be provided with a polygraph booklet prior to the examination. The use of the polygraph examiner's test conclusions will not be used as the sole determining factor for employment status. (CALEA 32.2.4, 32.2.6)
- C. The administration of the polygraph examination and evaluations of the results of the test will be conducted by trained and certified personnel. (CALEA 32.2.5)
- D. The polygraph examiner will verbally report the examination findings to the Director, Personnel Division or designee within two days of the examination. A written report will be provided by the examiner within five days. The report will state that the subject is:
 1. Deceptive,
 2. Deceptive with an admission,
 3. Not deceptive, or
 4. Inconclusive results. A subject with inconclusive or unexplained deceptive test results may require retesting at the discretion of the Director, Personnel Division.
- E. All copies of polygraph charts, waivers to take the test, and all questions asked during an examination will be retained in a confidential file located at the polygraph coordinator's office in Headquarters pending further investigation and examination by authorized personnel. (CALEA 42.1.3)

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- F. All requests for pre-employment polygraph examinations from outside agencies will be forwarded to the Director, Personnel Division or designee for action.

VII. Proponent Unit: Personnel Division

VIII. Cancellation

This directive cancels Function Code 632, effective date 07-07-97.



William O'Toole
Acting Chief of Police